

CITY OF ANGELS
PLANNING COMMISSION
SUMMARY MINUTES

**Meeting of Thursday February 10, 2011
City Fire House 1404 Vallecito Road
Angels Camp, California**

CALL TO ORDER

The meeting was called to order by Chairman Gary Croletto at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Present: Chair Croletto, Vice-Chair Griffin, Commissioner Rowe, and Commissioner Reesman

Commissioner Absent: Commissioner Cullick

Staff Present: Director of Planning & Building David Hanham, Deputy City Clerk Jennifer Preston

APPROVAL OF MINUTES

1. Approval of the January 13, 2011 Planning Commission Minutes.

Page 3, Item 4, 1st paragraph, add “dated November 2010” to the end of paragraph.

MOTION BY COMMISSIONER ROWE AND DULY SECONDED BY COMMISSIONER REESMAN AND CARRIED 3-0-1 WITH COMMISSIONER GRIFFIN ABSTAINING TO APPROVE THE JANUARY 13, 2011 PLANNING COMMISSION MEETING MINUTES AS AMENDED.

2. Approval of the January 18, 2011 Special Planning Commission Minutes.

No corrections.

MOTION BY COMMISSIONER GRIFFIN AND DULY SECONDED BY COMMISSIONER ROWE AND CARRIED 4-0 TO APPROVE THE JANUARY 18, 2011 PLANNING COMMISSION SPECIAL MEETING MINUTES.

VERIFICATION OF RESOLUTIONS

3. Verification of Resolution 2011-02 a Resolution of the City of Angels Planning Commission recommending to the City Council to approve an amendment to Title 17, Chapter 63, Landscaping and the addition of Title 17, Chapter 64, Oak Tree & Heritage Trees Preservation.

Planning Director Hanham presented the amended resolution, Resolution 2011-02. All of the corrections that were stated on January 18, 2011 were emailed out to all Commissioners prior to this meeting to see if there were any other corrections needed. If there are any major flaws at this time then staff recommends that we bring it back to the Planning Commission as another public hearing.

No comments from any of the commissioners.

PUBLIC COMMENTS

OPENED 6:07 P.M.

CLOSED 6:08 P.M.

COMMUNICATIONS AND PETITIONS

Memo of Stanislaus County Planning Commissioner's 34th Annual Workshop on Saturday, March 5th, 2011 9:00a.m. to 12:30p.m.

PUBLIC HEARING

PLANNING COMMISSION MATTERS

4. Regulatory Process for Vacation Rentals.

Planning Director Hanham presented staff report on Vacation Rentals.

Commissioner Reesman stated that in the last meeting about vacation rentals, one of the problems that was stated that staff wasn't able to know who was paying Transient Occupancy Tax (TOT's) and how much they were paying because it came in one check.

Planning Director Hanham stated that we were told that the TOT's were paid in one lump sum, and then we were asked to find out how many rentals were operating and to also find if they were already paying TOT's or not.

Commissioner Reesman stated that she had requested what the numbers were on the TOT's so that they could look at actual numbers. She was never given that information.

Planning Director Hanham stated that the TOT's are reported in one sum and not in individual amounts.

Commissioner Reesman stated that is not true because she has received an email from the Finance Officer Melisa Ralston that has multiple years on it broken down by what each place pays each quarter. All of the vacation rentals in the City that are listed on the sheet are the ones that get rented. If they are not listed somewhere, then it is not going to get rented. She called the county tax collectors office and it was stated by them that it is a mistake to collect TOT's from private house owners because of the amount of work it involves compared to the amount of money that is collected doesn't pay for itself. Commissioner Reesman searched the phone book, online and other sources and found that all of the rentals are on the list. She stated that she also asked to see the complaints that were filed and there is only one complaint, it was never reported to the Police Department, which is the usual course of action. Commissioner Reesman and Commissioner Cullick had agreed in the committee that if another law is going to be put into

effect then there needs to be a compelling public interest, like it is stated in the California Constitution that laws are not made to be revenue generators but to help the public. She can't see any compelling public interest by regulating private vacation rentals.

Planning Director Hanham stated the list of vacation rentals paying TOT got longer since 2009-2010. I am assuming that is because the City is now paying more attention to who is paying and who is not. Planning Director Hanham stated that if the City had not been more active on this issue, there would be more people not paying the TOT.

Chair Croletto stated that he appreciates all the research that Commissioner Reesman has done but all of these people on that list are already do things correctly. The Personnel/Finance Committee is trying to find out how many people are not doing this correctly. As of right now staff has no way of responding to complaints because there is no municipal code to follow for this issue.

Planning Director Hanham stated that this all comes down to making everyone play by the same rules. If the larger rentals such as hotels are required to get a business license, then all the rental properties should have to get a business license whether or not it is a single family resident or larger. Different cities handle this issue by requiring business license or a conditional use permit and still others state that you can not have a vacation rental in an R-1 zone. The commission needs to decide what they would like to see happen in Angels Camp.

Commissioner Rowe stated that since the Planning Commission said last time this issue was brought up that the City didn't need an ordinance for vacation rentals, but now the Personnel/Finance Committee is stating that they want the Planning Commission to develop an ordinance anyway.

Chair Croletto stated the direction from the two city council members on the Personnel/Finance Committee is they want more regulation on vacation rentals.

Commissioner Griffin stated that she believes that if all businesses have to have a license in the City then all people running a business out of their home needs to have a business license and a home occupation permit.

Chair Croletto stated that the concern is not with the people that are doing the rentals correctly but the ones that are not paying what the others are already paying. This ordinance will make a level playing field. Maybe staff should go back to the City Administrator and Personnel/Finance and see what exactly they would like the Planning Commission to do before we start another subcommittee.

Commissioner Reesman stated that she believes that it doesn't matter what she says or does, she believes that the people of Angels Camp do not want this as an ordinance.

Commissioner Rowe stated that staff should go back to Personnel/Finance and have the spread sheet that Commissioner Reesman gave to staff so they can see this information that we have tonight, then they can decide what they want done.

Planning Director stated that he will talk with the City Administrator and take this back to the Personnel/Finance Committee to see what exactly they want done. Then once he gets direction from them it will come back to the Planning Commission.

COMMITTEE REPORTS

5. Joint City Council/Planning Commission Workshops – Chairman Croletto.

Chair Croletto stated that there is nothing new to report at this time.

6. Infrastructure Committee – Chairman Croletto

Chair Croletto reported that nothing has changed since the last meeting.

7. Traffic Circulation Committee- Commissioner Griffin

Planning Director Hanham reported that the commission has been eliminated.

8. General Plan Implementation-Commissioner Rowe

Commissioner Rowe reported that she met with Planning Director and she has a lot to reading to do.

9. BLT-Commissioner Rowe

Commissioner Rowe reported that Anne Forrest is here today and she is the Chair of the BLT. The BLT had a meeting and the banners are almost ready to be put up throughout town. Calaveras Visitor's Bureau will be taking over updating the website angelscampfun.com. March 14th there will be a person here to talk with business owners from Buxton. There was a workshop in January that was very good, it lasted all day, there was a lot of information given out and it was very positive.

10. Historical Committee- Commissioner Griffin

Commissioner Griffin reported that the committee is working on the rules and regulations for the historic area.

COMMISSIONER'S REPORTS

11. Action List-Chair Croletto

Chair Croletto passed out the action list dated 2/10/2011. (see attachment 1)

STAFF REPORTS


Planning Director Hanham reported that staff is taking the Sphere of Influence to LAFCO on March 21st, the Historical District will be reviewed by the committee again and then come to the Planning Commission in a Public Hearing. Have a meeting with Amy Augustine for the Mark Twain Health Care Clinic for the environmental of a 9,000 sq. ft. building. The first meeting in March for the City Council staff is presenting the Large Format Ordinance. Getting together the rest of the properties that need to be rezoned and starting the process for the Lee property and others for a General Plan Amendment.

MEETING WAS ADJOURNED AT 7:10PM.



Gary Croletto, Chairman

ATTEST:



Jennifer Preston, Deputy City Clerk

Attachment 1

City of Angels Planning Commission Action List
2/10/2011

[illegible]